



Wylie City Council

Minutes

Wylie City Council Meeting

Tuesday, April 14, 2015 – 6:00 p.m.
Wylie Municipal Complex – Council Chambers
300 Country Club Road, Bldg. 100
Wylie, TX 75098

CALL TO ORDER

Announce the presence of a Quorum.

Mayor Eric Hogue called the meeting to order at 6:00 p.m. City Secretary Carole Ehrlich took roll call with the following City Council members present: Mayor Eric Hogue, Mayor pro tem Keith Stephens, Councilman Bennie Jones, Councilman David Dahl, Councilman Todd Winters, Councilman Nathan Scott, and Councilman William Whitney III.

Staff present were: City Manager, Mindy Manson; Assistant City Manager, Jeff Butters; Planning Director, Renae' Ollie; Finance Director, Linda Bantz; Fire Chief, Brent Parker; Public Services Director, Mike Sferra; Wylie Economic Development Corporation Executive Director, Sam Satterwhite; City Secretary, Carole Ehrlich; Public Information Officer, Craig Kelly; and various support staff.

INVOCATION & PLEDGE OF ALLEGIANCE

- Pledge of Allegiance - Boy Scout Troop 78

Eagle Scout Austin Byboth gave the invocation. Members of Wylie Boy Scout Troop 78 presented the colors; former Mayor John Mondy led the Pledge of Allegiance.

PRESENTATIONS

- Proclamation honoring Austin Byboth as an Eagle Scout.

Mayor Hogue presented a proclamation honoring Austin Cartier Byboth for achieving the "Eagle Scout" designation. Austin's project was to beautify, with extensive landscaping, the newly

completed circle drive at First Baptist Church. This area is used by the disabled, elderly, and mobility challenged.

- **Proclamation honoring Lone Star Search and Rescue.**

Mayor Hogue presented a proclamation to the Lone Star Search and Rescue, serving the North Texas area to bring home the lost and the missing. The group is comprised of 12 volunteers with over 35 years of experience in canine search and rescue.

- **Proclamation declaring April 2015 as Jazz Appreciation Month.** *(Public Art Advisory Board)*

Mayor Hogue presented a proclamation designating the month of April as "Jazz Appreciation Month" in the City of Wylie. He reminded citizens of the upcoming JazzArts Fest to be held on the Municipal Complex grounds April 18th from 9:00 a.m. to 9:00 p.m. Public Arts Advisory Board Chair Anne Hiney and Ray Baker, RLB Productions, were present to accept the proclamation.

- **Proclamation declaring April 12, 2015 through April 18, 2015 as National Public Safety Telecommunications Week in the City of Wylie.** *(B. Parker, Fire Chief)*

Fire Chief Brent Parker and members of the Telecommunication Department (Dispatch) were present to accept a proclamation designating April 12 – April 18, 2015 as "Public Safety Telecommunication Week" in the City of Wylie. Mayor Hogue and Chief Parker thanked the Telecommunication staff for a great job 365 days a year.

CITIZENS COMMENTS ON NON-AGENDA ITEMS

Residents may address Council regarding an item that is not listed on the Agenda. Residents must fill out a non-agenda form prior to the meeting in order to speak. Council requests that comments be limited to three (3) minutes. In addition, Council is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

Jeff Forrester, representing the East Fork Masonic Lodge, invited Council and those present to a Fish Fry and Blood Drive to be held April 25th from noon to 8 p.m. at the lodge located at 508 Parker Road, Wylie, TX.

CONSENT AGENDA

All matters listed under the Consent Agenda are considered to be routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

- A. **Consider, and act upon, approval of the Minutes of the March 24, 2015 Regular Meeting of the Wylie City Council.** *(C. Ehrlich, City Secretary)*
- B. **Consider, and act upon, a vendor application for the Blackland Prairie Playground Foundation for a 10th Birthday Party fundraiser in Pirate Cove Playground at Founders Park on May 16, 2015.** *(R. Diaz, Parks and Recreation Superintendent)*

- C. Consider, and act upon, Resolution No. 2015-09(R) authorizing the City Manager to execute a Termination of Interlocal Cooperation Agreement between the City of Wylie and the Seis Lagos Utility District for Ambulance and Paramedic Services and Mutual Release. (B. Parker, Fire Chief)
- D. Consider, and act upon, Ordinance No. 2015-15 creating a construction work zone for traffic and temporarily reducing the rate of speed on State Highway 78 from Spring Creek Parkway to State Highway 205. (C. Holsted, City Engineer)
- E. Consider, and act upon, approval of a Final Plat for C & F Copeville Addition. The Plat will create three residential lots on 3.515 acres. Subject property generally located in the City of Wylie ETJ on the west side of SH 78 and north of FM 549. (R. Ollie, Planning and Zoning Director)
- F. Consider, and act upon, approval of a Final Plat for Geckler Addition. The Plat will create a single residential lot on 14.274 acres. Subject property generally located in the City of Wylie ETJ on the east side of FM 544 and north of Alanis Drive. (R. Ollie, Planning and Zoning Director)
- G. Consider, and act upon, approval of a Final Plat for Creekside Estates Phase VIII consisting of 20.551 acres for 65 single family residential lots, generally located northeast of Nancy Drive and Martha Drive, immediately north of Creekside Phase VI residential subdivision. (R. Ollie, Planning and Zoning Director)

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Winters to approve the Consent Agenda as presented. A vote was taken and the motion passed 7-0.

REGULAR AGENDA

1. Consider, and act upon, Resolution No. 2015-10(R) authorizing the City Manager to execute a Relocation Agreement with Atmos Energy Corporation for the relocation of a 6-inch natural gas pipeline along Ballard Avenue from Pleasant Valley to Creek Crossing. (C. Holsted, City Engineer)

Staff Comments

City Engineer Holsted addressed Council stating that the 2007 Collin County Bond Program included \$5,400,000 for the reconstruction of Ballard Avenue from Alanis Drive to the Collin County Line. The project includes approximately 6,300 linear feet of 4-lane divided concrete roadway with underground storm sewer improvements. The county previously released \$715,600 for engineering and right of way acquisition.

Engineering plans for the project are complete, right of way has been acquired, and utility companies have been notified to relocate any facilities in conflict with the proposed improvements. Atmos Energy Corporation has a 6-inch natural gas pipeline in an easement located adjacent to the right of way from Pleasant Valley, south to Creek Crossing. The roadway and storm sewer improvements are in conflict with this line and it must be relocated. The City has acquired a new easement for Atmos, which is located adjacent to the new roadway right of way. Because the line is located in an easement and not in existing right of way, the cost to relocate the pipeline is the responsibility of the City.

The Relocation Agreement outlines the terms of the relocation and the funding. Atmos previously advertised the project and received a favorable bid in the amount of \$440,680.71. Approval of the Resolution authorizes the city manager to execute the agreement.

The projected construction cost for the paving project is \$4.2 million and the remaining county funding is \$4.685 million leaving \$485,000 available for the gas line relocation.

Council Action

A motion was made by Councilman Scott, seconded by Councilman Whitney to adopt Resolution No. 2015-10(R) authorizing the City Manager to execute a Relocation Agreement with Atmos Energy Corporation for the relocation of a 6-inch natural gas pipeline along Ballard Avenue from Pleasant Valley to Creek Crossing. A vote was taken and the motion passed 7-0.

2. **Consider, and act upon, approval of a Chapter 380 Economic Development Program and Agreement between the City of Wylie and Wylie Economic Development Corporation.** (*S. Satterwhite, WEDC Director*)

Staff Comments

WEDC Executive Director Satterwhite addressed Council stating that the Wylie Economic Development Corporation (WEDC) has approached City staff and requested participation by the City in a program designed to redevelop and enhance properties located on South Ballard Avenue more specifically identified as 505, 507, 601, 603, 605, and 607 South Ballard Avenue. The properties are owned by the Birmingham Land Trust (the Trust) and currently are being utilized as single family and multifamily rental homes.

Satterwhite explained the WEDC has negotiated a purchase price of \$409,000 with the contract calling for the Trust to remove all structures from the property prior to closing. While the WEDC recognizes that commercial redevelopment in the area is not imminent, this proactive approach ensures that the existing use will be discontinued and provide a more conducive environment for redevelopment, not only of the properties being acquired, but also commercial holdings on the west side of Ballard as well.

The Chapter 380 Agreement calls for the City of Wylie to participate with the WEDC in the acquisition of the property (including demolition) with the WEDC being 100% responsible for a demolition management fee to the Trust and all closing costs. The City share would be just under 50% at \$202,000. The WEDC will be responsible for marketing the property for sale to a developer(s), following said sale the WEDC will convey 50% of the proceeds to the City.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Dahl to approve a Chapter 380 Economic Development Program and Agreement between the City of Wylie and Wylie Economic Development Corporation. A vote was taken and the motion passed 7-0.

3. **Consider, and act upon, a Resolution No. 2015-11(R) establishing Rules of Procedure for the Board of Ethics.** (*M. Manson, City Manager*)

Staff Comments

City Manager Manson addressed Council stating that Ordinance No. 2014-19 was approved by the City Council in 2014, and sets out ethical values and rules of conduct for City Officials. The Ordinance also

created the Board of Ethics which is charged with issuing advisory opinions, waivers, and hearing complaints related to possible violations of the provisions of the Ordinance. The Ordinance states: "The City Council shall adopt written rules to govern the Board of Ethics in order to create a process that is fair both to the person who submitted the complaint or inquiry and the person who is the subject of the complaint or inquiry." The Ordinance also sets out what is to be addressed by the Rules of Procedures. That criterion has been included, along with general guidelines for conducting the hearings and rulings. The rulings may range from a dismissal of the complaint to a recommendation for public censure and corrective action. If the Board finds that a violation of the Ordinance has occurred, it will put the findings in writing and make a recommendation to Council.

Council Action

A motion was made by Mayor pro tem Stephens, seconded by Councilman Whitney to adopt Resolution No. 2015-11(R) establishing Rules of Procedure for the Board of Ethics. A vote was taken and the motion passed 7-0.

4. **Consider, and act upon, authorizing the City Manager to execute a Real Estate Sales Contract for the purchase of real property located at Lots 13, 14 and 15, Block 3 of the Brown & Burns Addition, 301 N. Ballard. (M. Manson, City Manager)**

Staff Comments

City Manager Manson addressed Council stating that the structure and property at 301 N. Ballard currently known as the Birmingham House is owned by the Birmingham Trust. The Trust is working to divest itself of some of its real property as a result of recent changes in law. The house and property have significant historic value to Wylie and it is the desire to ensure that it is preserved for the public's use and enjoyment. An appraisal was obtained for the property and the parties have agreed to a purchase price of \$330,000. Certain furniture, appliances, and equipment are a part of the agreement and will be specified in an exhibit to the contract.

Council Discussion

Mayor Hogue clarified that he was serving as the Chairman of the Birmingham Trust. He explained this position has no voting power with the exception of breaking a tie. He noted the City had been in contact with the City Attorney to assure there were no conflicts of interest in consideration of the item. Mayor Hogue reported the attorney's office opined, since the Mayor does not receive any compensation and the position is strictly volunteer, there would be no conflict of interest in the Mayor voting on the item. Mayor Hogue explained the Birmingham Trust had been in existence for 75 years and provides scholarships to the trades departments of Wylie ISD. Mayor Hogue explained the Birmingham Trust was selling owned properties in Wylie due to changes in tax laws.

Mayor Hogue asked Council to remove section 3.3 of the contract. This portion gives the purchaser a 20 day review period prior to final acceptance of the contract. Mayor Hogue explained that staff had previously made extensive examination of the property and did not need the review period. He asked that the section be struck from the contract within the motion.

Mayor Hogue requested 4.1 be changed to read: "The Closing shall be at the offices of the Title Company on or before the 30th day." He explained that staff was in favor of purchasing the property as soon as possible and without a 60 day waiting period.

Council Action

A motion was made by Councilman Dahl, seconded by Councilman Scott authorizing the City Manager to execute a Real Estate Sales Contract for the purchase of real property located at

Lots 13, 14 and 15, Block 3 of the Brown & Burns Addition, 301 N. Ballard, and to include striking section 3.3 and changing section 4.1 to read: "The Closing shall be at the offices of the Title Company on or before the 30th day following the effective date." A vote was taken and the motion passed 7-0.

READING OF ORDINANCES

City Secretary Ehrlich read the caption to Ordinance No. 2015-15 into the official record.

ADJOURNMENT

A motion was made by Councilman Jones, seconded by Councilman Scott to adjourn the meeting at 7:05 p.m. A vote was taken and the motion passed 7-0.


Eric Hogue, Mayor

ATTEST:


Carole Ehrlich, City Secretary

